

**Summary of Comments**  
**Draft Directive *Selective Service Registration* (WSDD-123)**

There were six comments to the draft version of this directive:

Commenter #1 asked if a discharge from the armed forces for reasons other than honorable (general, other than honorable conditions, etc.) could serve as evidence that the failure to register for selective service was not knowing and willful.

Resolution – The requirements to determine a knowing and willful failure to register have been set forth by the Department of Labor (DOL) in [TEGL 11-11](#). According to the TEGL, documents which may be considered sufficient evidence that failure to register was not willful or knowing includes a DD 214 or an honorable discharge certificate indicating honorable service in the U.S. Armed Forces. Therefore, general or other than honorable discharge could not serve as evidence that the failure to register was not knowing and willful.

Commenter #2 requested that the language pertaining to Non-U.S. citizens be updated to remove the term “illegal aliens” due to the passage Senate Bill (SB) 432, which repealed Labor Code Section 1725 in order to remove the definition of “alien” as any person who is not a born or fully naturalized citizen of the United States.

Resolution – The EDD has made the requested amendment and updated the term “illegal alien” to “undocumented immigrant.”

Commenter #3 requested that a selective service registration phone verification form be added to the Acceptable Documentation section.

Resolution – The documentation requirements come from [TEGL 11-11](#), which outlines acceptable documentation for selective service. The list of acceptable documentation does not include a phone verification form, therefore it cannot be added to the directive.

Commenter #4 wanted to know if a Status Information Letter would be required from a male who did not register and is over the age of 26 if they can provide their DD-214 showing active US military service, even if they were discharged before their 26th birthday?

Resolution – According to the [Selective Service](#) website, a male who is over the age of 26 would not have had to register if they were serving in the military on full-time active duty continuously from age 18 to age 26. However, if a young man joins the military after turning 18 or leaves the military before turning 26, he is still required to register.

Commenter #5 asked what level of services can be provided at an America's Job Center of California<sup>SM</sup> (AJCC) to an individual who failed to comply with the selective service registration requirements?

Resolution – All programs and services established or receiving assistance under WIOA Title I must comply with the Selective Service registration requirements. These requirements apply to both formula and discretionary grants awarded by the DOL. They do not apply to programs funded or solely authorized by the *Wagner-Peyser Act*.

Commenter #6 inquired as to the appropriate way in which to comply with the selective service requirements for transsexual, transgendered, and intersex individuals?

Resolution – In order to align with current guidance, the EDD has amended the information on page 4 of the draft directive to reflect the information found on the Selective Service website, which states: "Individuals who are born female and have a gender change are not required to register. U.S. citizens or immigrants who are born male and have a gender change are still required to register." In other words, individuals that are born the male gender must register even if they later transition to female and individuals that are born the female gender who later transition to male are not then required to register.